



---

# AUTOMATIC LICENSE PLATE READERS (ALPR)

---

POLICY PAPER FOR VILLAGE BOARD DISCUSSION AND CONSIDERATION OF  
GRANTING COUNTRY CLUB MEADOWS HOA ACCESS TO RIGHT OF WAY FOR  
INSTALLATION OF FLOCK CAMERAS

Prepared by Gregory Jackson, Village Manager

May 17, 2023

## Introduction

The purpose of this paper is to provide information related to the use of Automatic License Plate Readers (ALPRs) on Village of Long Grove property.

## Background

In reaction to an increase in criminal activity, specifically home and vehicle burglaries, Homeowner Associations throughout the Village of Long Grove have been researching the use of ALPRs. Several subdivisions in Long Grove with control of their roads and infrastructure through planned unit development (PUD) agreements, have already installed ALPRs. In late 2022 Village staff were contacted by a resident of Country Club Meadows expressing a concern that the Country Club Meadows HOA was moving forward with the installation of ALPRs in the subdivision. This is the point in time that the Village became aware and engaged regarding the issue.

The reason the Village became engaged with the Country Club Meadows installation versus those previously completed is the Country Club Meadows HOA does not control their roads. The roads and right of way in the subdivision fall under the ownership of the Village of Long Grove. The Country Club Meadows HOA and their ALPR vendor Flock identified public right of way for preferred placement of the devices. After compiling information from the HOA, the vendor, the Village Attorney, as well as releases from neighboring property owners an agenda item on granting access to right of way went before the Village Board on January 31, 2023.

The Board discussion revolved around concerns related to ownership of right of way, potential vandalism of the devices, privacy, and ultimately the effectiveness of the devices in deterring and or solving crimes. The Village Board voted two in favor of granting right of way access and four against.<sup>1</sup> As a result of the Village Board vote Village staff was contacted by members of HOA requesting that the request be introduced. The Village President has asked that the item be reintroduced for consideration as part of the May 23, 2023, Village Board agenda.

## What Are ALPRs<sup>2</sup>

Automatic license plate readers use a combination of cameras and computer software to indiscriminately scan the license plates of every car passing by. The readers log the time and date of each scan, the vehicle's GPS coordinates, and pictures of the car. Some versions can also snap pictures of a vehicle's occupants and create unique vehicle IDs. The devices send the data to ALPR software, which can compare each plate against a designated "hot list." Such lists

---

<sup>1</sup> Trustee O'Connor (aye), Trustee Tinucci (aye), Trustee Borawski (nay), Trustee Kritzmire (nay), Trustee Michaud (nay), Trustee O'Reilly (nay).

<sup>2</sup> Diaz and Levinson-Waldman, *Automatic License Plate Readers: Legal Status and Policy Recommendation for Law Enforcement Use*, September 10, 2020, <https://www.brennancenter.org/our-work/research-reports/automatic-license-plate-readers-legal-status-and-policy-recommendations>

can include stolen cars and cars associated with AMBER Alerts for abducted children.<sup>3</sup> They can also reference vehicles that are listed in local and federal databases.

In addition to checking data in real time, many cities and agencies retain plate information for future use, sometimes indefinitely. This data can be used to plot a particular vehicle's various locations or to identify all the cars at a given location, and it can even be analyzed to predict routes and future locations of a vehicle or set of vehicles.<sup>4</sup> Despite this expansive data collection effort, many departments have not developed a policy to govern the use of ALPR technology or provide privacy protections.

Law enforcement use of ALPR data is not limited to reads captured by departments' own devices; many departments have contracts with vendors that grant them access to private databases containing scans from private ALPRs and from other local and federal law enforcement agencies.

Moreover, access to ALPR tools and data is not limited to law enforcement. For example, private individuals and neighborhood associations can buy ALPRs for home and neighborhood security purposes. These private actors can maintain their own hot lists of flagged license plate numbers and can share any data they collect with law enforcement at their discretion.

## Policy Concerns

### Privacy

During research it was clear that individual privacy was of significant concern. This same concern was expressed by several Village Board members during the January 31<sup>st</sup> meeting. The most comprehensive assessment on privacy concerns was found in an online article by the American Bar Association.<sup>5</sup> The article is footnoted with a hyperlink for complete viewing.

---

<sup>3</sup> Crump, *You Are Being Tracked*, 5; International Association of Chiefs of Police, *Privacy Impact Assessment Report for the Utilization of License Plate Readers*, Alexandria, VA, September 2009, 2, 24–26, <https://web.archive.org/web/20131024095529/http://www.theiacp.org/LinkClick.aspx?fileticket=N%2BE2wvY%2F1QU%3D&tabid=87>;

<sup>4</sup>Crump, *You Are Being Tracked*, 5–6; Dave Maass and Beryl Lipton, "Data Driven: What Is ALPR?" Electronic Frontier Foundation, San Francisco, CA, November 15, 2018, <https://www.eff.org/pages/what-alpr>.

<sup>5</sup> Horrigan, D., *Data Privacy vs. Crime Prevention: The Automated License Plate Recognition Debate*, August 23, 2021, [https://www.americanbar.org/groups/tort\\_trial\\_insurance\\_practice/committees/automobile-litigation/data-privacy-vs-crime-prevention/](https://www.americanbar.org/groups/tort_trial_insurance_practice/committees/automobile-litigation/data-privacy-vs-crime-prevention/)

### An article synopsis:

“Taken in the aggregate, ALPR data can paint an intimate portrait of a driver’s life and even chill First Amendment protected activity. ALPR technology can be used to target drivers who visit sensitive places such as health centers, immigration clinics, gun shops, union halls, protests, or centers of religious worship,” Electronic Frontier Foundation argues in its statement on the issue.

Even the police chiefs’ organization cautions that access to ALPR databases should be limited to authorized law enforcement personnel who have met minimum training, certification, and background checks, and that there should be stringent data audits. Attorney Gail Gottehrer, who has served as a member of Connecticut’s Task Force to Study Fully Autonomous Vehicles and on the New York State Bar Association’s Transportation Committee, sees the important role humans play in the data privacy aspects of automated technologies. “ALPR technologies, like many emerging technologies, are tools. Whether they help achieve public safety goals or threaten privacy rights depends on who uses them and the ways in which they are used. On their own, ALPR technologies may not reveal much about a specific individual, but when government or private entities combine ALPR data with other data in their possession, the result may be a disturbingly comprehensive profile of that person,” Gottehrer said. However, Gottehrer notes there are ways to reduce the danger of such disturbingly comprehensive profiles. “Ways to maximize the benefits of ALPR technologies and minimize the privacy risks associated with them include limiting the types of entities that can collect and use ALPR data and the purposes for which they can use the data—as well as delineating when (or if) the data can be shared, and the period of time for which the data can be kept, after which it (and all copies and backups) must be destroyed,” Gottehrer added.

Flock Safety, the vendor of choice by Country Club Meadows, provides the following related to their privacy policy:

*“We may also access, use, preserve and/or disclose your personal information or Recordings to law enforcement authorities, government officials, and/or third parties, if legally required to do so or if we have a good faith belief that such access, use, preservation or disclosure is reasonably necessary to: (a) comply with a legal process or request; (b) enforce our Terms of Service, including investigation of any potential violation thereof; (c) detect, prevent or otherwise address security, fraud or technical issues; or (d) protect the rights, property or safety of Flock, its users, a third party, or the public as required or permitted by law.”<sup>6</sup>*

### Property Values

---

<sup>6</sup> Privacy Policy for Flock Safety,” Flock Safety Group, Inc. (website), Atlanta, GA, updated February 22, 2017, <https://www.flocksafety.com/legal/privacy-policy>

## Profiling

During research I noted a 2022 Vanderbilt University study that was frequently cited. The study notes that the unregulated use of ALPRs has led to both racial profiling and pretextual searches.<sup>7</sup> The study also responds to the ALPR industry's assertion that ALPR technology combats racial profiling because it is not influenced by biases. The study points out that, "Although the technology itself may be unbiased because it is automated, the technology can be used to target minorities if law enforcement chooses to install a high number of scanners in certain areas. As it stands, this allows law enforcement to aggressively track minority populations."<sup>8</sup>

## Property Values

In reviewing industry (security and HOA) articles, scholarly studies, as well as media coverage I could not find any consistency regarding correlation between installation of ALPRs in communities and/or homeowner managed subdivisions and the impact on property values. The closest I came to any data with a correlation between enhanced security and property values was that regarding gated communities. In these environments it appears there is in most cases an increase in property values attributed to the enhanced security itself and the sense that security protects items of value.

## Recommendations

This is a policy decision resting with the legislative body. Whatever the decision I will be establishing a precedence related to the installation of security equipment and or devices on publicly owned property.

Option A: Do not make a motion and or second for discussion and reconsideration.

Option B: Motion with a majority vote to deny right of way access.

Option C: Motion with a majority to vote to grant right of way access with none, any, or all of the following conditions.

---

<sup>7</sup> Dattani, Y. (2022). *Big Brother is Scanning: The Widespread Implementation of ALPR Technology in America's Police Forces*, Vol. 24, Issue 4, [https://www.vanderbilt.edu/jetlaw/2022/06/25/big-brother-is-scanning-the-widespread-implementation-of-alpr-technology-in-americas-police-forces/#:~:text=and%20Technology%20Law-,Big%20Brother%20is%20Scanning%3A%20The%20Widespread%20Implementation%20of%20ALPR%20Technology,%2C%20Volume%2024%2C%20Issue%204.&text=Automatic%20License%20Plate%20Readers%20\(ALPRs,departments%20across%20the%20United%20States.](https://www.vanderbilt.edu/jetlaw/2022/06/25/big-brother-is-scanning-the-widespread-implementation-of-alpr-technology-in-americas-police-forces/#:~:text=and%20Technology%20Law-,Big%20Brother%20is%20Scanning%3A%20The%20Widespread%20Implementation%20of%20ALPR%20Technology,%2C%20Volume%2024%2C%20Issue%204.&text=Automatic%20License%20Plate%20Readers%20(ALPRs,departments%20across%20the%20United%20States.)

<sup>8</sup> Ibid.

1. Village reserves the right to terminate access for cause.
2. HOA must implement a data control policy that places full access of data collected in the hands of local law enforcement.
3. HOA/Flock must have an executed agreement/MOU with the Lake County Sheriff's Office.
4. Each camera location must have signage with language to the effect that the ALPRs are taping.
5. ALPRs cannot be relocated without the approval of the Village Board.

Item #1: The HOAs contract is for two years and extended after that period if agreed by both parties.

Item #2: HOA has provided a data control/access policy they intend to implement (board packet item 13d). The Village Board will need to determine if the policy is adequate to alleviate privacy concerns.

Item #3: A copy of a MOU between Flock and the Lake County Sheriff's Office has been secured (board packet item 13e).

Item #4: This requirement has not been discussed with the HOA or Flock Safety.

Items #5: This requirement has not been discussed with the HOA or Flock Security.

Other readings:

Opponent

<https://www.eff.org/deeplinks/2020/09/flock-license-plate-reader-homeowners-association-safe-problems>

<https://www.cleveland.com/opinion/2023/03/do-cities-proliferating-flock-license-plate-cameras-violate-peoples-privacy-editorial-board-roundtable.html>

<https://www.aclu-il.org/en/news/resisting-surveillance-based-policing-our-communities>

Proponent

<https://theintercept.com/2023/03/22/hoa-surveillance-license-plate-police-flock/>

[https://www.thenewstn.com/brentwood/license-plate-reader-company-targets-neighborhoods-avoids-governments/article\\_4402aaf6-110f-11ec-8ef2-e3e8380c4582.html](https://www.thenewstn.com/brentwood/license-plate-reader-company-targets-neighborhoods-avoids-governments/article_4402aaf6-110f-11ec-8ef2-e3e8380c4582.html)

<https://www.bloomberg.com/news/features/2021-08-04/surveillance-startup-brings-police-tech-to-neighborhoods>

